



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

YVES SAINT LAURENT PARFUMS S.A. and  
YSL BEAUTÉ INC.,

Plaintiffs,

- against -

COSTCO WHOLESALE CORPORATION,  
QUALITY KING DISTRIBUTORS, INC. and  
J & H COSMETICS LTD.,

Defendants.

Civil Action No.  
07 Civ. 3214 (LBS) (HP)

[PROPOSED] ORDER

*JRS.*

Upon reading and considering Plaintiffs' Order to Show Cause filed November 5, 2007 (the "Order to Show Cause"), the declarations of Marc Rey, dated November 1, 2007, Frank Bommelaer, dated October 30, 2007, Joëlle Guesnet, dated October 30, 2007, and Louis S. Ederer, dated November 4, 2007, and the exhibits thereto, together with the accompanying Memorandum of Law, and further considering the arguments presented by counsel during the November 7, 2007 hearing, at which hearing counsel for Defendant J & H Cosmetics Ltd. ("J & H Cosmetics") did not appear, notwithstanding having received timely notice of such hearing, and the Court having made various rulings during such hearing as set forth in the transcript attached hereto as Exhibit A, and the Court having further directed Plaintiffs to submit a proposed order with respect to, inter alia, certain rulings relating to Defendant J & H Cosmetics, it is hereby:

ORDERED that, good and sufficient cause having been shown therefor, Defendant J & H Cosmetics, its subsidiaries, affiliates, divisions, agents, servants, employees and representatives,

and all those in active concert with them, shall not, until the trial of this action, scheduled to commence on February 4, 2008:

1. Import, export, manufacture, produce, distribute, circulate, sell, offer for sale, advertise, promote or display any product bearing any simulation, reproduction, copy, counterfeit or colorable imitation of the OPIUM mark (U.S. Trademark Reg. No. 1,082,145) or the OPIUM FLOWER design mark (U.S. Trademark Reg. No. 3,041,860) (collectively the "OPIUM Trademarks");
2. Transfer, consign, sell, ship, or otherwise move any OPIUM brand product;
3. Inform its sources for any merchandise bearing any simulation, reproduction, copy, counterfeit or colorable imitation of any good or product bearing the OPIUM Trademarks of this action or of any of YSL's claims herein; and

IT IS FURTHER ORDERED that, Defendant J & H Cosmetics, its subsidiaries, affiliates, divisions, agents, servants, employees and representatives, and all those in active concert with them, shall, no later than November 21, 2007:

1. Produce to YSL all documents, including un-redacted transactional documents, invoices and correspondence, relating to the manufacture, importation, purchase, distribution, promotion, advertisement, offer for sale and/or sale of OPIUM product for the last twelve months;
2. Permit YSL to inspect all undistributed inventory of any goods bearing the OPIUM Trademarks; and

IT IS FURTHER ORDERED that, by Memorandum Opinion and Order dated November 7, 2007, Magistrate Judge Pitman having granted Plaintiffs' motion for leave to file a Proposed Second Amended Complaint adding claims against Defendant Costco Wholesale Corporation

and various "John Doe" corporations, for, inter alia, counterfeiting under the Lanham Act, and whereas Plaintiffs subsequently, together with the Order to Show Cause, submitted a Supplemental Proposed Second Amended Complaint, a copy of which is attached hereto as Exhibit B, which, inter alia, substituted the Defendants Quality King Distributors, Inc. and J & H Cosmetics Ltd. for the "John Doe" corporations:

1. The attached Supplemental Proposed Second Amended Complaint is accepted for filing, and shall be deemed filed upon entry of this Order; and

2. Service of this Order together with a copy of the attached Supplemental Proposed Second Amended Complaint upon the attorneys for Defendants, James Dabney, Esq., of Fried Frank Harris Shriver & Jacobson LLP, One New York Plaza, New York, New York, representing Costco Wholesale Corporation, Andre K. Cizmarik, Esq., of Edward Angell Palmer & Dodge LLP, 750 Lexington Avenue, New York, New York, representing Quality King Distributors, Inc., and Jeffrey Heller, Esq., of Somer & Heller LLP, 2171 Jericho Turnpike, Commack, New York, representing J & H Cosmetics, within two business days of the entry of this Order, shall constitute good and sufficient service; and

IT IS FURTHER ORDERED that all other rulings set forth in the attached transcript shall constitute the rulings of this Court with respect to the Order to Show Cause.

Dated: New York, New York  
November 13, 2007

SO ORDERED:

U.S.D.J.